

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Barronett Post Office
(Barronett, Wisconsin)

Docket No. A2012-32

BRIEF OF THE PUBLIC REPRESENTATIVE

(December 20, 2011)

I. INTRODUCTION AND BACKGROUND

On October 25, 2011, the Postal Regulatory Commission (Commission) received two petitions for review of the closing of the Barronett Post Office located in Barronett, Wisconsin.¹ The first petition for review was filed by Donald and Judy Haseleu, and the second by Illa Theese. The earliest petition was postmarked October 4, 2011. On October 31, 2011, the Commission issued an order instituting the current review proceedings, appointing the undersigned as Public Representative, and establishing a procedural schedule.² In a letter to the appellant dated November 1, 2011, the Commission's Secretary acknowledged receipt of the appeal, provided the appellants with copies of PRC Form 61,³ and advised the appellants of their right to file initial briefs in lieu of Form 61.

¹ Petition Received from Donald and Judy Haseleu, Regarding the Barronett Post Office, October 25, 2011 (Petition).

² Notice and Order Accepting Appeal and Establishing Procedural Schedule, October 31, 2011 (Order No. 938).

³ Form 61 is a form for preparing "Participant Statement" in support of an appeal of a post office closing.

On November 9, 2011, the Postal Service filed an electronic version of the administrative record concerning its Final Determination, Postal Service Docket Number 1354100-54813.⁴ The Petitioners have filed a Participant Statement in lieu of a formal legal brief in which they set forth their objections to the closure of the Barronett Post Office on November 16, 2011.⁵ The Postal Service's administrative record in this proceeding has not been disputed by the Petitioners since they have not filed more information to rebut the record. The Postal Service has filed comments supporting its closure determination on December 16, 2011.⁶

II. STATEMENT OF FACTS

The Barronett Post Office is located in Barron County, Wisconsin 54813-9464. It is an EAS-11 level Post Office. AR, Item No. 1 at 1. The Barronett Post Office provides services to 90 post office box customers, and retail customers who engage in only 11.3 daily window transactions, with an average daily retail workload of 12.9 minutes. *Id.*, Item No. 1 at 1 and Item No. 10 at 1. Revenue has dropped more than 12% for the last 2 years, and earned work hours averaged only 1.9 hours per day. *Id.*, Item No. 1 at 1. The office is 7 miles from Cumberland Post Office. Cumberland Post Office is a level 18 office operating 41.5 hours per week. *Id.*, Item No. 1 at 1.

Barronett is an unincorporated community administered by Township of Lakeland. The Community consists of retirees, commuters, and self-employed. *Id.*, Item No. 33 at 13. There are businesses and organizations in the community, including Barronett Lutheran Church, Barronett Civic Club, Town of Lakeland, Hogwildesigns, Wisconsin Structural Steel, Lakeland Sanitory District #1, Jaastad Machine, Barronett Bar and Grill, Yard Stuff, Red Brick Café, Speedy's C-Stop Inc, 20 Mile Organic and

⁴ United States Postal Service Notice of Filing Administrative Record, November 9, 2011 (AR).

⁵ Participant Statement of Donald and Judy Haseleu, November 16, 2011 (PS1). Participant Statement of Illa Theese, November 16, 2011 (PS2)

⁶ United States Postal Service Comments Regarding Appeal, December 16, 2011 (RC).

Local General Store, Advanced Media Services, Herman Restaurant Group Inc., Helsterns Woodcarving, and Sweet Maintenance. *Id.*, Item No. 33 at 13.

On May 9, 2011, the Manager of Post Office Operations requested permission to investigate the possible closure of the Barronett Post Office. *Id.*, Item No. 1 at 1. The request for a discontinuance study was based on the office's vacancy due to the retirement of the postmaster on February 11, 2009, a decline in workload over the past several years, and a 12% decline in revenue over the past 2 years. *Id.*, Item No. 1 at 1.

On May 24, 2011, the Postal Service notified customers of the Barronett Post Office of a possible change in the way their postal service is provided. *Id.*, Item No. 21 at 1. The Postal Service noted that it plans to provide pickup and delivery of mail, sale of stamps, and all other customary postal services by rural route services from the Cumberland Post Office located 7 miles away. *Id.*, Item No. 21 at 1. The Postal Service stated that retail services, and Post Office box service are also available at the Cumberland Post Office at the same price. The Cumberland Post Office is open Monday to Friday from 8:30am-16:30pm, and Saturday from 9:30am-11:00am. The Postal Service noted that retail services are also available at the Shell Lake Post Office located 8.2 miles away. The hours of operation for this Post Office are Monday through Friday 8:30-11:30am and 12:30-16:30pm, and on Saturday from 9:30-10:30am.

The Postal Service included a questionnaire to be completed and returned by June 7, 2011. *Id.*, Item No. 21 at 1. A total of 323 questionnaires were distributed to customers. Of these questionnaires, 138 were completed and returned, 15 responses were favorable, 40 were unfavorable, and 83 expressed no opinion. *Id.*, Item No. 23 at 1. In addition, customers were invited to attend a public meeting at the Barronett Civic Club at which Postal Service representatives will be available to answer questions and provide information about postal service. *Id.*, Item No. 21 at 1. The public meeting was held on June 7, 2011 as scheduled with 38 customers in attendance. *Id.*, Item No. 24 at 1.

On June 20, 2011, a formal proposal to close the Barronett Post Office was forwarded to that post office for posting for a period of 60 days. *Id.*, Item No. 31 at 1.

On June 25, 2011, invitation for comments on the proposal to close were posted in the Barronett, and Cumberland Post Offices for the required 60 days and removed on August 26, 2011. *Id.*, Item No. 36 at 2 and 4. Two unfavorable comments were received during the posting period. *Id.*, Item No. 44 at 1. The Postal Service responded to the concerns of these customers in writing on July 29, 2011. *Id.*, Item No 38 at 2 and 4. That proposal was transmitted to the Vice President for Delivery and Post Office Operations on September 6, 2011. *Id.*, Item No. 45 at 1.

The Final Determination to close the Barronett Post Office was posted in both the Barronett Post Office and Cumberland Post Office on September 29, 2011 and removed on October 31, 2011. *Id.*, Item No. 49 at 1 and 2. The decision was based on (1) the vacancy of the Postmaster; (2) a decline in workload over the past several years; and (3) a 12% decline in revenue over the past 2 years, with earned work hours averaging only 1.9 hours per day. *Id.*, Item No. 46 at 3. The Final Determination did consider and respond to various concerns expressed by customers at the June 7, 2011 public meeting. *Id.*, Item No. 46 at 3.

The Postal Service also includes a review of the economic savings that will result from the closing of the Barronett Post Office. The Postal Service provided an annual savings of \$32,516 after deducting the estimated cost of replacement rural route service. *Id.*, Item No. 29 at 2. This includes the Postmaster's salary and benefits of \$42,456, and a rental costs of \$1,500. The cost of the replacement rural route service is estimated at \$11,440. *Id.*, Item No. 17 at 2.

III. POSITIONS OF THE PARTIES

A. The Petitioners

The first Petitioners, Don and Judy Haselen, present five arguments in opposition to the closing of the Barronett Post Office: (1) they are not in favor of a rural box because they are not available for at least once or twice a month for 3-5 days, and they rarely go to Cumberland; (2) they are concerned that the rural boxes would be hit by snow plows and other vehicles; (3) they are concerned about the exposure of their

packages out in the rain or snow; (4) they are concerned about having two different zip codes for home and mailing address; and (5) they suggested the Postal Service to resolve the retirement issue instead of closing post offices and firing workers. PS1 at 5 & 6. The second Petitioner, Illa Theese, presents four arguments in opposition to closing the Barronett Post Office: (1) he argues that the Barronett Post Office is good for disabled people and the community; (2) he is concerned about snow plows hitting his mailbox; (3) he may have to hire someone in Winter since he doesn't drive when roads are icy; and (4) he feels that his mail is safe and handy at the Barronett Post Office. PS2 at 5 & 6.

The Public Representative categorizes the Petitioners arguments against the closing of the Barronett Post Office as follows: (1) failure of the Postal Service to consider whether or not it will continue to provide a maximum degree of effective and regular postal service to the community, (2) failure to consider the effect of the closing on the community, (3) failure to adequately consider the economic savings from the closure, and (4) failure to consider the effect on employees.

B. The Postal Service

On December 16, 2011, the Postal Service filed comments in lieu of the answering brief permitted by Order No. 938. In that filing, the Postal Service supports its decision to close Barronett Post Office on the basis of the retirement of the Postmaster of the Barronett Post Office on February 11, 2009; the small number of daily retail window transactions; and the declining revenue over the last 2 years. RC at 2. The Postal Service explained that it will continue to provide regular and effective service via rural route delivery to mailboxes installed on the carrier's line of travel. *Id.*, at 10. The Postal Service argues that it is addressing the concern of the Petitioners and customers regarding the effect of the closure on the community through the preservation of community identity by continuing the use of the Barronett name and zip code in addresses, as well as the National Five-Digit zip code and post office directory. *Id.*, at 11. According to the Postal Service, there is no indication that the business community

will be adversely affected. *Id.*, at 12. The Postal Service suggested that nonpostal services provided by the Barronett Post Office can be provided by the Cumberland Post Office. It claims that carrier route service coupled with service at the Cumberland Post Office is a reasonable solution that will yield economic savings. The Postal Service estimated an annual savings of \$32,516 resulting from closing the Barronett Post Office. *Id.*, at 13. The Postal Service states that the impact on employees is minimal since the Postmaster position is vacant, and the Part Time Flexible clerk who is working at the Barronett Post Office will return to Danbury upon suspension of the post office. *Id.*, at 14.

IV. STANDARD OF REVIEW AND APPLICABLE LAW

A. Standard of Review

The Commission's authority to review post office closings provided by 39 U.S.C. § 404(d)(5). That section requires that the Postal Service's determination be reviewed on the basis of the record that was before the Postal Service. The Commission is empowered by section 404(d)(5) to set aside any determination, findings, and conclusions that it finds are: (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; (B) without observance of procedure required by law; or (C) unsupported by substantial evidence in the record. Should the Commission set aside any such determination, findings, or conclusions, it may remand the entire matter to the Postal Service for further consideration. Section 404(d)(5) does not, however, authorize the Commission to modify the Postal Service's determination by substituting its judgment for that of the Postal Service.⁷

B. The Law Governing Postal Service Determinations

Prior to making a final determination to close or consolidate a post office, the Postal Service is required by 39 U.S.C. § 404 to consider: (i) the effect of the closing on

⁷ Section 404(d)(5) also authorizes the Commission to suspend the effectiveness of a Postal Service determination pending disposition of the appeal.

the community served; (ii) the effect on the employees of the Postal Service employed at the office; (iii) whether the closing is consistent with the Postal Service's provision of "a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;" (iv) the economic savings to the Postal Service due to the closing; and (v) such other factors as the Postal Service determines are necessary. See 39 U.S.C. § 404(d)(2)(A)

In addition, the Postal Service's final determination must be in writing, address the aforementioned considerations, and be made available to persons served by the post office. 39 U.S.C. § 404(d)(3). Finally, the Postal Service is prohibited from taking any action to close a post office until 60 days after its final determination is made available to persons served by that office. 39 U.S.C. § 404(d)(4).

V. ADEQUACY OF THE POSTAL SERVICE'S FINAL DETERMINATION

After careful review of the Postal Service's Final Determination, the materials in the Administrative Record, the arguments presented by the Petitioners and the Petition submitted by customers of the Barronett Post Office, and the Postal Service Comments, the Public Representative concludes that the Postal Service has followed applicable procedures, that the decision to close the Barronett Post Office is not arbitrary or capricious, and that the Postal Service's decision is supported by substantial evidence.

The Postal Service complied with the procedural requirements related to providing discontinuance notices and postings. The Postal Service has complied with 39 U.S.C. 404 (d) (1) by providing notice of its intention to close the Barronett Post Office allowing customers and the general public to comment on the possible closing, and by addressing their concerns. The Postal service provided copies of documentation posted at the Barronett Post Office and Cumberland Post Office as part of the administrative record. AR Item No. 36 at 2 & 4. The Final Determination to close the Barronett Post Office was also posted on September 29, 2011 at Barronett and Cumberland Post Offices, and removed on October 31, 2011. *Id.*, Item No. 49 at 1 & 2.

Customers expressed concerns about mail security, accessibility issues for disabled and senior citizens, change of zip code and address, loss of community identity, mechanism of putting their mail on hold, location of rural mailboxes, and issue of traveling to another Post Office for service. AR., Item No. 23, 25, & 38. The Postal Service's response in the administrative record adequately addressed these concerns. It explained that security of mailboxes may be resolved by placing locks on their mailboxes. *Id.*

The Postal Service addressed the issue of accessibility to elderly and disabled persons. It stated that seniors and disabled customers had the option to receive postal services including delivery and retail services by rural carrier route to a roadside mailboxes or Centralized Box Units and stamps by mail. *Id.* It also noted that delivery can be made to the home of the customer in hardship cases or for special customer needs. *Id.*

The community's identity will be preserved. The Postal Service claims that it is helping to preserve the community identity by continuing the use of the community name, zip code and address. *Id.* The Postal Service explained that customers who will be away for extended time may request their mail be held at the Post Office via usps.com or by leaving a hold card in their mailboxes. *Id.* Regarding location of mailboxes, the Postal Service noted that it will be determined locally by taking into account the safety of the employee, and customer convenience.

The Postal Service acknowledged the inconvenience of traveling to another Post Office and offered the available options of retail transactions done by rural route carrier, and online transactions that do not require a trip to the post office. It explained that most transactions do not require meeting the carrier at the mailbox since stamps by mail and money order application forms are available for customer convenience. *Id.* The Postal Service also noted that stamps are available at many stores and gas stations, or by calling 1-800-stamp-24. *Id.*

VI. CONCLUSION

For the reasons set forth above, the decision of the Postal Service to close the Barronett Post Office should be affirmed.

Respectfully Submitted,

/s/ Getachew Mekonnen
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